

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C) .No. 1182 of 2007 (N)

PETITIONER:

PRINCE JOSEPH,
EDEZHATHU HOUSE, KUMBALANGHI SOUTH P.O., COCHIN-7.

BY ADV. SRI.M.TRIPTEN
SRI.M.SIVAPRASAD

RESPONDENTS:

1. JOINT R.T.O.,
J.R.T. OFFICE, MATTANCHERRY, ERNAKULAM.
2. REGIONAL TRANSPORT OFFICER,
R.T.OFFICE, KAKKANAD, ERNAKULAM.
3. DEPUTY COMMISSIONER OF TRANSPORT,
D.T.C. OFFICE, KAKKANAD, ERNAKULAM.

BY GOVT. PLEADER SRI SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.R.RAMAN, J.

W.P. (C) .NO.1182 OF 2007

Dated this the 11th day of January, 2007

JUDGMENT

The prayer made in this writ petition is for a direction commanding respondents 1 and 2 to test the vehicle KL-7/AB 2705 after receiving the current tax and also for a direction to the 3rd respondent to dispose of of Ext.P5 appeal relating to the claim for exemption rejected by the original authority.

2. Admittedly, the petitioner has not cleared the arrears of tax. As per the endorsement in Ext.P1, the petitioner was given instalment facility for payment of tax arrears for the period from 1/7/2005 to 31/12/2005 as per Government Order dated 30/11/2005 and the last of such instalment fall due on 15/3/2006. It is admitted by the

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petitioner that he has paid only Rs.24,000/-. He has thus defaulted in paying the amount as per the instalment granted in his favour.

3. In such circumstances, the first prayer made in this writ petition cannot be granted. However, since the appeal is pending in respect of the period from 1/4/2006, the same shall be considered and disposed of by the 3rd respondent provided the petitioner clears the arrears of tax due as per the instalment facility already granted to him by the Government within three weeks and to produce the receipt thereof before the Appellate Authority.

Writ Petition is disposed of as above.

P . R . RAMAN ,
Judge .

kcv.